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**CONTAINS CONFIDENTIAL INFORMATION
TO BE FILED UNDER SEAL PURSUANT TO
STIPULATED PROTECTIVE ORDER
SO ORDERED JANUARY 7, 2008**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEXTEC APPLICATIONS, INC., a
Georgia corporation,

Plaintiff,

v.

BROOKWOOD COMPANIES, INC., a
Delaware corporation,

Defendant.

Case No. 07CV6901 (RJH)(THK)

**DECLARATION OF CHARLES A.
LeGRAND IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
UNDER 28 U.S.C. 1498(a)**

**REDACTED FOR
PUBLIC FILING**

DECLARATION OF CHARLES A. LeGRAND

I, Charles A. LeGrand, say and declare:

1. I am an attorney duly admitted before this Court and counsel for plaintiff Nextec Applications, Inc. in the above-captioned matter. I make the following statements of my own personal knowledge and would and could testify thereto if sworn as a witness at trial.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the Deposition of Michael S. O'Keefe [pages 89-91, 154-155].

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the Deposition of Frank C. Montie [pages 81-82, 92-93, 219-221, 224-232].

4. Attached as Exhibit 3 is a true and correct copy of excerpts from the Deposition of Barbara Rell-Young. [pages 90-91, 171, 176-178, 214]

5. Attached as Exhibit 4 is a true and correct copy of excerpts from the Deposition of Larry Ellis. [page 226]

6. Attached as Exhibit 5 is a true and correct copy of correspondence dated February 24, 2006 [REDACTED]
[REDACTED]. [BR15489-15494].

7. Attached as Exhibit 6 is a true and correct copy of correspondence dated February 27, 2006 [REDACTED]
[REDACTED] [BR10308].

8. Attached as Exhibit 7 is a true and correct copy of correspondence dated February 27, 2006 [REDACTED]
[REDACTED] [BR10309].

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9. Attached as Exhibit 8 is a true and correct copy of correspondence dated March 10, 2006 [REDACTED] [BR10508-09].

10. Attached as Exhibit 9 is a true and correct copy of an excerpt from the webpage of ORC Industries, Inc., printed on March 3, 2008.

11. Attached as Exhibit 10 is a true and correct copy of an email [REDACTED]

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the webpage of Atlantic Diving Supply, Inc. (a/k/a ADS, Inc.), printed on July 29, 2008.

13. Attached as Exhibit 12 is a true and correct copy of a receipt showing purchase of an ECWCS Level VII parka and ECWCS Level V soft-shell jacket from Atlantic Diving Supply, Inc. (a/k/a ADS, Inc.) and a photograph of the label from Level VII parka. The Level V jacket has label indicating that Proper International, Inc. is the manufacturer of the garment. And the Level VII parka has a label indicating that DJ Manufacturing Corp. is the manufacturer of the garment.

14. Attached as Exhibit 13 is a true and correct copy of excerpts from the Deposition of David Fredella, Chief Executive Officer of Sterlingwear of Boston, Inc. [pages 16, 20-21, 25-27, 54-55.]

15. Attached as Exhibit 14 is a true and correct copy of a document identified as [REDACTED] [BR03433-3436].

16. Attached as Exhibit 15 is a true and correct copy of a letter submitted from counsel for Nextec Applications, Inc. to the Court dated March 6, 2008

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17. Attached as Exhibit 16 is a true and correct copy of certain purchase orders and related shipping documentation. [BR04032-59]

18. Attached as Exhibit 17 is a true and correct copy of certain Commercial Invoices [REDACTED], dated November 9, 2007 and November 20, 2007.

I declare under penalty of perjury under the federal law of the United States that the foregoing is true and correct. Executed on August 15, 2008, at New York, New York.



Charles A. LeGrand

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PUBLIC FILING**